



Senate

General Assembly

File No. 347

February Session, 2010

Substitute Senate Bill No. 300

Senate, April 7, 2010

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING FAMILY AND MEDICAL LEAVE BENEFITS FOR CERTAIN MUNICIPAL EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-51rr of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) Each political subdivision of the state shall grant any employee
4 of such political subdivision who is (1) a party to a civil union, as
5 defined in section 46b-38aa, and who has been employed for at least
6 twelve months by such employer and for at least one thousand two
7 hundred fifty hours of service with such employer during the previous
8 twelve-month period the same family and medical leave benefits
9 under the federal Family and Medical Leave Act, [Public Law] P.L.
10 103-3, and 29 CFR 825.112, as are provided to an employee who is a
11 party to a marriage, or (2) a paraprofessional and who has been
12 employed for at least twelve months by such employer and for at least
13 seven hundred hours of service with such employer during the

14 previous twelve-month period the same family and medical leave
 15 benefits under the federal Family and Medical Leave Act, P.L. 103-3,
 16 and 29 CFR 825.112 and subdivision (1) of this subsection as are
 17 provided to an employee who has been employed for at least twelve
 18 months by such employer and for at least one thousand two hundred
 19 fifty hours of service with such employer during the previous twelve-
 20 month period.

21 (b) (1) Any employee of a political subdivision of the state who has
 22 worked at least twelve months and one thousand two hundred fifty
 23 hours for such employer during the previous twelve-month period, or
 24 (2) a paraprofessional employed by a political subdivision of the state
 25 who has worked at least twelve months and seven hundred hours for
 26 such employer during the previous twelve-month period may request
 27 leave in order to serve as an organ or bone marrow donor, provided
 28 such employee may be required, prior to the inception of such leave, to
 29 provide sufficient written certification from the physician of such
 30 employee of the proposed organ or bone marrow donation and the
 31 probable duration of the employee's recovery from such donation.

32 (c) Nothing in this section shall be construed as authorizing leave in
 33 addition to the total of twelve workweeks of leave during any twelve-
 34 month period provided under the federal Family and Medical Leave
 35 Act, [Public Law] P.L. 103-3.

36 (d) The Labor Department shall enforce compliance with the
 37 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	31-51rr

LAB *Joint Favorable Subst. C/R*

PD

PD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$
Various Municipalities	STATE MANDATE - Potential Cost	Minimal	Minimal

Explanation

The bill reduces the number of hours paraprofessional employees of local governments must work in order to qualify for certain family and medical leave (FMLA) benefits. This results in a potential minimal cost to municipalities.

It is estimated that there are 37,000 paraprofessionals currently working in Connecticut. Of that number, approximately 12,000 are already eligible for FMLA benefits, leaving approximately 25,000 paraprofessionals affected by the bill.¹ To the extent that any of these paraprofessionals experience qualifying FMLA events, there is a potential overtime cost² to municipalities which is anticipated to be minimal.

The Out Years

The annualized ongoing fiscal impact identified above would

¹ Under current law, local government employees must provide at least 1,250 hours of service and have worked for the previous 12 months in order to be eligible for FMLA benefits.

² Based on data from a study by the Office of Program Review and Investigations, it is estimated that paraprofessionals earn approximately \$10 to \$12 per hour in wages.

continue into the future subject to inflation.

*Sources: Department of Labor, Wage and Workplace Standards Division statistics
Office of Program Review and Investigations, "School Paraprofessionals,"
December 2006*

OLR Bill Analysis**sSB 300*****AN ACT CONCERNING FAMILY AND MEDICAL LEAVE BENEFITS FOR CERTAIN MUNICIPAL EMPLOYEES.*****SUMMARY:**

This bill makes it easier for paraprofessional employees of local governments to obtain family and medical leave benefits by lowering the number of hours worked needed to qualify. It requires political subdivisions to provide paraprofessionals who have worked at least 700 hours over the previous 12 months with the same federal Family and Medical Leave Act (FMLA) benefits that state law provides to employees who are parties to a civil union or who seek leave to serve as an organ or bone marrow donor. By law, employees of a political subdivision are covered by the federal FMLA if they have worked for the previous 12 months and provided at least 1,250 hours of service. Employees seeking leave must meet the same requirements, including providing notice as soon as possible, as other employees receiving these benefits.

The federal law provides up to 12 weeks of unpaid leave a year for the employee's own health condition or certain other reasons (see BACKGROUND). Existing state law provides the equivalent of federal FMLA benefits to (1) parties to a civil union and (2) those seeking leave to serve as an organ or bone marrow donor.

Political subdivisions include any town, city, borough, school district, fire district, improvement association, and other districts or associations.

EFFECTIVE DATE: October 1, 2010.

BACKGROUND

Federal FMLA Provisions

The federal FMLA provides unpaid leave to employees of all political subdivisions. Table 1 shows provisions of the federal law.

Table 1: Federal FMLA Provisions

	<i>Federal Law (as applied to political subdivisions)</i>
Political subdivisions covered	All
Employees eligible	Those who have worked (1) at least 12 months for the employer and (2) at least 1,250 hours in the previous 12 months
Leave amount	Up to 12 weeks in one year
Types of leave	For birth; adoption or foster care; to provide care for employee's own parent, child, or spouse with serious health condition; or employee's own serious health condition
Serious health condition or illness	Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical-care facility; or continuing treatment by a health care provider
Health benefits during leave	Employee health insurance must be continued under same conditions as prior to leave, including any required employee contribution
Job reinstatement rights	Must be restored to same position or equivalent in all benefits and other terms and conditions of employment

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference

Yea 7 Nay 3 (03/09/2010)

Planning and Development Committee

Joint Favorable

Yea 14 Nay 6 (03/22/2010)